

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CONSOLIDATION COAL COMPANY,	)	
	)	
Plaintiff,	)	Civil Action No. 00-2120
	)	
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
THE INTERIOR, NATIONAL PARK	)	
SERVICE,	)	
	)	
and	)	
	)	
CAROL D. SCHULL, individually and in	)	
her capacity as the Keeper of the National	)	
Register of Historic Places,	)	
	)	
and	)	
	)	
ROY BRENDDEL and DIANE BRENDDEL,	)	
	)	
Defendants.	)	

TO: Diane Brendel  
c/o David C. Hook, Esquire  
Hook & Hook  
189 West High Street  
P. O. Box 792  
Waynesburg, PA 15370

**SUPPLEMENTAL NOTICE OF DEPOSITION OF DEFENDANT DIANE BRENDDEL**

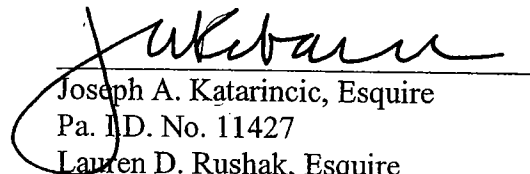
As set forth in the Notice of Deposition of Defendant Diane Brendel previously issued in this action, Consolidation Coal Company will take the deposition of Diane Brendel at the offices of Thorp, Reed & Armstrong, LLP, One Oxford Centre, 301 Grant Street, 14<sup>th</sup> Floor, Pittsburgh, Pennsylvania 15219-1425 on Wednesday, January 18, 2006 beginning at 9:30 A.M. The deposition will continue from day-to-day until complete and be taken before a person duly

authorized by law to administer oaths who will record the deposition stenographically. The deposition will be taken for discovery purposes and for all other purposes permitted under the applicable *Federal Rules of Civil Procedure*.

In addition to the documents previously identified in Exhibit A to the Notice of Deposition of Defendant Diane Brendel, the deponent, Diane Brendel, is also directed to produce at her deposition all documents identified in **Supplemental Exhibit A** hereto.

Dated: January 5, 2006

Respectfully submitted:



\_\_\_\_\_  
Joseph A. Katarincic, Esquire  
Pa. I.D. No. 11427  
Lauren D. Rushak, Esquire  
Pa. I.D. No. 83728  
THORP REED & ARMSTRONG, LLP  
One Oxford Centre  
301 Grant Street, 14<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(Counsel for Plaintiff,  
Consolidation Coal Company)

### **SUPPLEMENTAL EXHIBIT A**

1. All documents, writings, correspondence and/or memos, authored by you or anyone on your behalf, including Mr. David Hook, to Mr. DeWeese, Sue Germanio, any newspapers, television or radio stations, anti-subsidence groups, anti-longwall mining groups, anti-coal mining groups, potential or actual real estate appraisers of your real property at issue, potential or actual repair appraisers of your property at issue, the Office of Surface Mining, the Pennsylvania Department of Environmental Protection, United States Department of the Interior—National Park Service, Keeper of the National Register of Historic Places, the Pennsylvania Historical and Museum Commission and/or the Pennsylvania State Historic Preservation Officer and all documents, correspondence, memos and other writings received by you or anyone else on your behalf, including Mr. David Hook, from the foregoing persons and entities.
2. Plans, agreements, correspondence, or other writings relating to the construction of new buildings on the land in question, including any addition(s) to the present structure(s).
3. Plans, agreements, correspondence, or other writings, including any estimates, concerning or relating to any repair or maintenance of real or personal property for which you claim damages in this case.
4. Notes, memos, records, or any other writings, as well as any tape recordings or other recordations, referencing or relating to meetings between you or your representatives with representatives of Consol.
5. Any correspondence from you or your representatives to or from tenants, past or present, concerning the Apple House.
6. Any correspondence, notes, memos or other writings relating to or showing repair estimates and appraisals of the structures in question before the claimed subsidence damage and after the claimed damage.
7. Any writings, including medical records, concerning or relating to treatment of injuries claimed by you to have been caused by any actions of any of the individuals or entities you seek recovery from in this action.
8. Any writings, including documents, medical reports, and office records, reflecting or relating to any physical or psychological disease, illness or injury for which you sought or received treatment for the ten years prior to 1999.
9. Any writings related to insurance policies issued on any structure on the subject property in the past seven years.

10. Any documents or other writings reflecting when and by whom the following buildings were constructed on the subject property: Apple House, chicken house, horse barn, pig pen, sheep shed, log house, storage shed and car barn; and, with respect to any renovation, changes or repair to any of said structures done by you or for you, reflecting when and by whom such renovation, changes or repair were done, as well as the nature and cost of such renovation, changes or repair.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing  
**SUPPLEMENTAL NOTICE OF DEPOSITION OF DIANE BRENDEL** was served by U.S.  
First Class Mail, postage prepaid this 5 day of January, 2006, on the following counsel of  
record:

Rebecca Ross Haywood  
United States Attorney's Office  
633 United States Post Office and Courthouse  
Pittsburgh, PA 15219

Albert W. Schollaert  
United States Attorney's Office  
633 United States Post Office and Courthouse  
Pittsburgh, PA 15219

Steven C. Barclay  
United States Department of the Interior  
Office of the Solicitor  
Three Parkway Center, Suite 385  
Pittsburgh, PA 15220

Ruth Ann Storey  
United States Department of Justice  
Environmental & Natural Resources Division  
P. O. Box 663  
General Litigation Section  
Washington, DC 20044

Pamela L. Barkin  
United States Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

David C. Hook  
Hook & Hook  
189 West High Street  
P. O. Box 792  
Waynesburg, PA 15370  
*(Via Facsimile and U.S. Mail)*

Thomas C. Reed  
Dittsmore & Shohl  
330 Grant Street  
Suite 2415, Grant Building  
Pittsburgh, PA 15219

Michael V. Nixon  
P. O. Box 12539  
Pittsburgh, PA 15241

A handwritten signature in black ink, appearing to read "J. K. Nixon", is written over a horizontal line.